

AMENDED IN SENATE MARCH 8, 2010  
AMENDED IN ASSEMBLY JANUARY 4, 2010  
AMENDED IN ASSEMBLY APRIL 30, 2009  
AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1414**

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### Introduced by Assembly Member Hill

February 27, 2009

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An act to amend ~~Sections 11055 and 11058~~ *Section 11055* of the Health and Safety Code, relating to controlled substances.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, Hill. Controlled ~~Substances~~. *substances: apomorphine: unscheduled.*

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law places apomorphine within Schedule II. ~~Existing law also provides for the electronic monitoring and reporting of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program and requires every practitioner, other than a pharmacist, who prescribes or administers a Schedule II, Schedule III, or Schedule IV controlled substance to make a record of the~~

~~transaction and provide the Department of Justice with information relating to the transaction on a monthly basis, as specified.~~

~~This bill would remove apomorphine from Schedule II of the California Uniform Controlled Substances Act and place it in Schedule V make it an unscheduled substance. By revising the penal provisions applicable to apomorphine, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11055 of the Health and Safety Code is
- 2 amended to read:
- 3 11055. (a) The controlled substances listed in this section are
- 4 included in Schedule II.
- 5 (b) Any of the following substances, except those narcotic drugs
- 6 listed in other schedules, whether produced directly or indirectly
- 7 by extraction from substances of vegetable origin, or independently
- 8 by means of chemical synthesis, or by combination of extraction
- 9 and chemical synthesis:
- 10 (1) Opium, opiate, and any salt, compound, derivative, or
- 11 preparation of opium or opiate, with the exception of naloxone
- 12 hydrochloride (N-allyl-14-hydroxy-nordihydromorphinone
- 13 hydrochloride), but including the following:
- 14 (A) Raw opium.
- 15 (B) Opium extracts.
- 16 (C) Opium fluid extracts.
- 17 (D) Powdered opium.
- 18 (E) Granulated opium.
- 19 (F) Tincture of opium.
- 20 (G) Codeine.
- 21 (H) Ethylmorphine.
- 22 (I) Hydrocodone.
- 23 (J) Hydromorphone.

- 1 (K) Metopon.
- 2 (L) Morphine.
- 3 (M) Oxycodone.
- 4 (N) Oxymorphone.
- 5 (O) Thebaine.
- 6 (2) Any salt, compound, isomer, or derivative, whether natural
- 7 or synthetic, of the substances referred to in paragraph (1), but not
- 8 including the isoquinoline alkaloids of opium.
- 9 (3) Opium poppy and poppy straw.
- 10 (4) Coca leaves and any salt, compound, derivative, or
- 11 preparation of coca leaves, but not including decocainized coca
- 12 leaves or extractions which do not contain cocaine or ecgonine.
- 13 (5) Concentrate of poppy straw (the crude extract of poppy straw
- 14 in either liquid, solid, or powder form which contains the
- 15 phenanthrene alkaloids of the opium poppy).
- 16 (6) Cocaine, except as specified in Section 11054.
- 17 (7) Ecgonine, whether natural or synthetic, or any salt, isomer,
- 18 derivative, or preparation thereof.
- 19 (c) Opiates. Unless specifically excepted or unless in another
- 20 schedule, any of the following opiates, including its isomers, esters,
- 21 ethers, salts, and salts of isomers, esters, and ethers whenever the
- 22 existence of those isomers, esters, ethers, and salts is possible
- 23 within the specific chemical designation, dextrophan and
- 24 levopropoxyphene excepted:
- 25 (1) Alfentanyl.
- 26 (2) Alphaprodine.
- 27 (3) Anileridine.
- 28 (4) Bezitramide.
- 29 (5) Bulk dextropropoxyphene (nondosage forms).
- 30 (6) Dihydrocodeine.
- 31 (7) Diphenoxylate.
- 32 (8) Fentanyl.
- 33 (9) Isomethadone.
- 34 (10) Levoalphacetylmethadol, also known as
- 35 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM. This
- 36 substance is authorized for the treatment of narcotic addicts under
- 37 federal law (see Part 291 (commencing with Section 291.501) and
- 38 Part 1308 (commencing with Section 1308.01) of Title 21 of the
- 39 Code of Federal Regulations).
- 40 (11) Levomethorphan.

- 1 (12) Levorphanol.
- 2 (13) Metazocine.
- 3 (14) Methadone.
- 4 (15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
- 5 4-diphenyl butane.
- 6 (16) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 7 1-diphenylpropane-carboxylic acid.
- 8 (17) Pethidine (meperidine).
- 9 ( 1 8 ) P e t h i d i n e - I n t e r m e d i a t e - A ,
- 10 4-cyano-1-methyl-4-phenylpiperidine.
- 11 ( 1 9 ) P e t h i d i n e - I n t e r m e d i a t e - B ,
- 12 ethyl-4-phenylpiperidine-4-carboxylate.
- 13 ( 2 0 ) P e t h i d i n e - I n t e r m e d i a t e - C ,
- 14 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 15 (21) Phenazocine.
- 16 (22) Piminodine.
- 17 (23) Racemethorphan.
- 18 (24) Racemorphan.
- 19 (25) Sufentanyl.
- 20 (d) Stimulants. Unless specifically excepted or unless listed in
- 21 another schedule, any material, compound, mixture, or preparation
- 22 which contains any quantity of the following substances having a
- 23 stimulant effect on the central nervous system:
- 24 (1) Amphetamine, its salts, optical isomers, and salts of its
- 25 optical isomers.
- 26 (2) Methamphetamine, its salts, isomers, and salts of its isomers.
- 27 (3) Dimethylamphetamine (N,N-dimethylamphetamine), its
- 28 salts, isomers, and salts of its isomers.
- 29 (4) N-Ethylmethamphetamine (N-ethyl, N-methylamphetamine),
- 30 its salts, isomers, and salts of its isomers.
- 31 (5) Phenmetrazine and its salts.
- 32 (6) Methylphenidate.
- 33 (7) Khat, which includes all parts of the plant classified
- 34 botanically as *Catha Edulis*, whether growing or not, the seeds
- 35 thereof, any extract from any part of the plant, and every
- 36 compound, manufacture, salt, derivative, mixture, or preparation
- 37 of the plant, its seeds, or extracts.
- 38 (8) Cathinone (also known as alpha-aminopropiophenone,
- 39 2-aminopropiophenone, and norephedrone).

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital.

(2) Pentobarbital.

(3) Phencyclidines, including the following:

(A) 1-(1-phenylcyclohexyl) piperidine (PCP).

(B) 1-(1-phenylcyclohexyl) morpholine (PCM).

(C) Any analog of phencyclidine which is added by the Attorney General by regulation pursuant to this paragraph.

The Attorney General, or his or her designee, may, by rule or regulation, add additional analogs of phencyclidine to those enumerated in this paragraph after notice, posting, and hearing pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The Attorney General shall, in the calendar year of the regular session of the Legislature in which the rule or regulation is adopted, submit a draft of a proposed bill to each house of the Legislature which would incorporate the analogs into this code. No rule or regulation shall remain in effect beyond January 1 after the calendar year of the regular session in which the draft of the proposed bill is submitted to each house. However, if the draft of the proposed bill is submitted during a recess of the Legislature exceeding 45 calendar days, the rule or regulation shall be effective until January 1 after the next calendar year.

(4) Secobarbital.

(5) Glutethimide.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(A) Phenylacetone. Some trade or other names: phenyl-2 propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine.

1 (B) 1-piperidinocyclohexane carbonitrile (PCC).

2 ~~SEC. 2.—Section 11058 of the Health and Safety Code is~~  
3 ~~amended to read:~~

4 ~~11058. (a) The controlled substances listed in this section are~~  
5 ~~included in Schedule V.~~

6 ~~(b) Schedule V shall consist of the drugs and other substances,~~  
7 ~~by whatever official name, common or usual name, chemical name,~~  
8 ~~or brand name designated, listed in this section.~~

9 ~~(c) Narcotic drugs containing nonnarcotic active medicinal~~  
10 ~~ingredients. Any compound, mixture, or preparation containing~~  
11 ~~any of the following narcotic drugs, or their salts calculated as the~~  
12 ~~free anhydrous base or alkaloid, in limited quantities as set forth~~  
13 ~~below, which shall include one or more nonnarcotic active~~  
14 ~~medicinal ingredients in sufficient proportion to confer upon the~~  
15 ~~compound, mixture, or preparation valuable medicinal qualities~~  
16 ~~other than those possessed by narcotic drugs alone:~~

17 ~~(1) Not more than 200 milligrams of codeine per 100 milliliters~~  
18 ~~or per 100 grams.~~

19 ~~(2) Not more than 100 milligrams of dihydrocodeine per 100~~  
20 ~~milliliters or per 100 grams.~~

21 ~~(3) Not more than 100 milligrams of ethylmorphine per 100~~  
22 ~~milliliters or per 100 grams.~~

23 ~~(4) Not more than 2.5 milligrams of diphenoxylate and not less~~  
24 ~~than 25 micrograms of atropine sulfate per dosage unit.~~

25 ~~(5) Not more than 100 milligrams of opium per 100 milliliters~~  
26 ~~or per 100 grams.~~

27 ~~(6) Not more than 0.5 milligram of difenoxin and not less than~~  
28 ~~25 micrograms of atropine sulfate per dosage unit.~~

29 ~~(d) Apomorphine.~~

30 ~~(e) Buprenorphine.~~

31 ~~SEC. 3.—No reimbursement is required by this act pursuant to~~  
32 ~~Section 6 of Article XIII B of the California Constitution because~~  
33 ~~the only costs that may be incurred by a local agency or school~~  
34 ~~district will be incurred because this act creates a new crime or~~  
35 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
36 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
37 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~  
2 ~~Constitution.~~

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